

### **REMARKS**

The Office Action dated April 30, 2003, included the following rejections, objections, and comments:

1. Claims 1, 2, and 23-28 were provisionally rejected under the judicially created doctrine of obvious type double-patenting, as being unpatentable over Claims 1-5 and 13-23 of co-pending application 10/040,742.
2. Claim 3 was objected to as being dependent upon a rejected base claim.

In response to these rejections, objections, and comments, and in view of the above Amendments, Applicant provides the following Remarks:

1. Provisional Rejection Of Claims 1, 2 And 23-28 As Obviousness-Type Double-Patenting Over Co-Pending S/N 10/040,742.

Claims 1, 2, and 23-18 were rejected under the judicially created doctrine of obvious type double-patenting, as being unpatentable over Claims 1-5 and 13-23 of co-pending application 10/040,742. It was noted in the Office Action that the Terminal Disclaimer referenced in the prior Response was not received by the Examiner. Applicant submits herewith a copy of the Terminal Disclaimer previously submitted to overcome the provisional rejection. Therefore, Applicant respectfully submits that the obviousness-type double patenting rejection has become moot.

2. Objection to Claim 3.

Claim 3 was objected to as being dependent on a rejected base claim (Claims 1 and 2). However, Applicant respectfully submits that the rejection to the Claims 1 and 2 have been overcome by the submission of the Terminal Disclaimer enclosed herewith. Therefore, Applicant respectfully submits that the objection to Claim 3 has become moot.